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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,797	07/25/2003	Achim Stellberger	DS03-009	2666

7590 05/16/2005
GEORGE O. SAILE
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

EXAMINER

TSO, EDWARD H

ART UNIT	PAPER NUMBER
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2838

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/627,797	Applicant(s) STELLBERGER, ACHIM	
	Examiner Edward H. Tso	Art Unit 2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-35 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/29/03;3/3/04</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

The IDSes filed 10/29/2003 and 3/3/2004 have both been considered and placed of record. The initialed copies are attached herewith.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The disclosure should be carefully reviewed to ensure that any and all grammatical, idiomatic, and spelling or other minor errors are corrected.

Claim Objections

Claim 1 is objected to because of the following informalities: the phrase "all this implemented... and which in turn itself is controlled" is confusing since it is not cleared what is included or excluded from the control block. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following, on the following page, are quotations of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2838

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-5 and 9-12 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's own admitted art to figure 1. Figure 1 shows a means for consuming 20 or charging 25 a battery, means for securing connection and protecting against damage 41, 42 and being controlled by a controller block 50. The switches 41, 42 are serially connected FETs with a separate bulk connection (arrows pointing toward 31, 32) and a mid-node N1. Of course, these FETs are formed into an integrated circuit with well-known CMOS-type technology.

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Hasegawa et al. (US 5,789,900). The reference discloses a device for protecting a battery from overcharge and overdischarge having, *inter alia*, a means for secured connecting and protecting the battery from damage through a controller 210. The means is implemented from switches made of two FETs 222, 232 having a mid-node S. See figure 1.

Allowable Subject Matter

Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The references made of record neither disclose nor suggest the claimed circuit having further an additional controllable switch connected to the mid-node for monitoring both input/output of energy.

Claims 13-35 are allowed over the prior art made of record. The references neither disclose nor suggest a circuit for battery charging having, *inter alia*, a means for controlling said first and second FET gates together with said separate bulks wherein the gate voltages of said first and second FET switches determine the OFF and ON states of said first and second FET switches, and wherein said first FET separate bulk is switchable coupled between said one battery terminal and said mid node, and wherein said second FET separate bulk is switchable coupled between said mid node and said load or charger terminal and wherein another additional controllable switch is connected between said other battery terminal and said mid node.

Conclusion

Any inquiry concerning this communication should be directed to the Examiner at the below-listed number.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mike Sherry, can be reached on 571 272 2084.

Art Unit: 2838

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 571 272 2800, Monday-Friday, 8:30am to 5:00pm, EST.

By:

A handwritten signature in black ink, appearing to read 'EDWARD H TSO', written over a horizontal line.

EDWARD H TSO
Primary Examiner
571 272 2087